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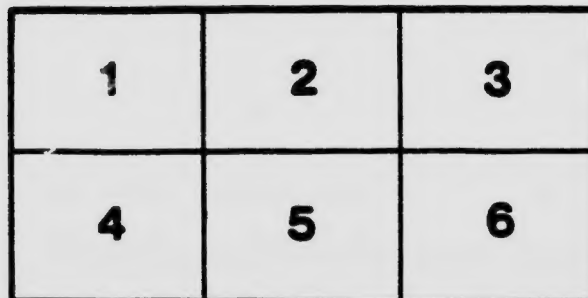
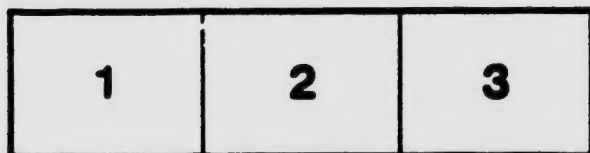
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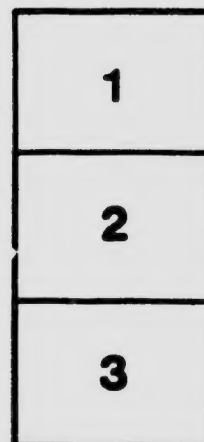
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No. 198.

5th Session, 9th Legislature.
2 Edward VII, 1902.

BILL.

An Act respecting Electric Railways

First Reading, 4th March, 1902.
Second Reading, 10th March, 1902.

Mr. ROSS.

TORONTO :
Printed by L. E. GARROD,
Printer to the King's Most Excellent Majesty.

An Act respecting Electric Railways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act the expression "Railway Committee" means the Railway Committee of the Executive Council of Ontario. "Railway Committee" meaning of.

2. The Railway Committee shall consist of the Commissioner of Public Works, who shall be chairman thereof, and two other members of the Executive Council of Ontario who may be from time to time appointed by the Lieutenant-Governor in Council. Railway Committee, how composed.

(2) Two members of the Railway Committee shall form a quorum.

(3) Some fit and proper person may be appointed by the Committee to be the Secretary of the Railway Committee. Secretary.

3. The Railway Committee shall have jurisdiction over railways, electric railways and street railways, subject to the legislative jurisdiction of this Province, and may exercise the jurisdiction and powers conferred upon the Lieutenant-Governor in Council and the Commissioner of Public Works, or either of them, by *The Railway Act of Ontario, The Street Railway Act and The Electric Railway Act*, or any special Act respecting any railway, street railway or electric railway. Jurisdiction of committee.

4. Every electric railway and street railway company subject to the legislative authority of this Province shall have the right to join, unite and connect its line of railway at any point or points thereon with the line of any other electric railway company, or street railway company, and each company may grant running or other rights over its lines to the other, or allow the interchange of traffic or cars, or make operating arrangements, or confer other privileges of user of its property, upon such terms and conditions as may be agreed upon between the respective companies, provided that no such agreement shall have any force or effect until the same shall have been approved by two-thirds in value of the shareholders of each company present at a special general meeting to be held for that purpose. Electric and street railways running over lines of other companies under agreement.

Assent of
municipal
council or
Railway
Committee.

(2) No such agreement shall be acted upon in any municipality affected thereby until the assent of the municipal council of the said municipality shall have been obtained thereto, or until an order has been made by the Railway Committee pursuant to the provisions of this Act.

Application to
Railway Com-
mittee where
municipality
refuses assent.

(3) If any municipality affected by such agreement shall refuse to assent thereto, an application may be made by either the municipality or the Railway Committee for leave to act upon the agreement, notwithstanding the want of such assent, and upon such application being made the Railway Committee may appoint a date for the hearing of the application and notice shall be sent by post to the parties to the said agreement and to the non-assenting municipality.

Objections to
be stated and
filed.

(4) The Railway Committee in fixing a day or at any time thereafter may require the non-assenting municipality to specify its objections to the said agreement in writing and file a copy of such objections with the Secretary of the Railway Committee, and to serve a copy thereof upon the parties to the said agreement.

Inquiry and
report for
information of
Committee.

(5) The Railway Committee may appoint or direct any person to make an inquiry or report upon any such agreement, or any other matter or thing connected therewith or incident to the objections raised by any non-assenting municipality.

Powers of
Committee as
to inquiry and
report.

(6) The Railway Committee and any person appointed to make any inquiry and report may:—

- (a) Enter into and inspect any places and buildings, being the property of or under the control of either company, the entry or inspection of which appears to him requisite.
- (b) Inspect any works, motors, cars, carriages or other property of either company.
- (c) Require the attendance of all such persons as it or he thinks fit to call before it or him, and examine or require answers or returns to such inquiry as it or he thinks fit to make.
- (d) Require the production of books, papers, plans, specifications, proofs and documents relating to the matters before it or him.

Witnesses and
evidence be-
fore commit-
tee.

(7) The Railway Committee shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce books, papers or things which they are required to produce as is vested in the High Court of Justice.

Witness fees.

(8) Every witness shall be entitled to receive the same fees and allowances as if summoned to attend before the High Court of Justice.

Matters to be
decided on
application.

(9) The Railway Committee shall have power to determine all questions arising upon the application of any electric railway company, including:

- (a) Whether either company shall be entitled to the rights conferred by the agreement, or any of them, notwithstanding the want of assent of the municipality.
- (b) What compensation, if any, shall be paid by either or both parties to the agreement in respect of any increased servitude to which the highway of the municipality will be subjected by reason of the agreement and by whom and in what proportions the said compensation shall be paid.
- (c) The rate of speed and the order of precedence of the cars of either party to the agreement.
- (d) The rights of either company upon the highways traversed by the line or lines of the other company.

5. The Railway Committee shall have jurisdiction from time to time to determine :—

Other matters within jurisdiction of Committee.

(a) Any dispute which may from time to time arise between any two or more companies subject to the legislative authority of this Province respecting the crossing by either company of the line of the other.

(b) Any agreement between such companies for the interchange of traffic, haulage of cars, use of tracks or power.

(c) Any dispute between any municipality and any company with regard to the service, rates and tolls, speed of cars or trains.

6. The sittings of the Railway Committee may be held at any place in the Province of Ontario.

Sittings, where to be held.

7. Any decision or order of the Railway Committee may be made an order of the High Court of Justice and shall be enforced in like manner as any rule or order of the Court.

Enforcing orders of Committee.

8. The Railway Committee may from time to time review and rescind or vary any report or order previously made by it.

Review and amending reports and orders.

9. The Railway Committee may, if it thinks fit, and at the instance of any party to the proceedings, and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal for Ontario upon any question which in the opinion of the Committee is a question of law.

Stating case for Court of Appeal.

10. The Court of Appeal for Ontario shall hear and determine the question or questions of law arising thereon, and remit the matter to the Committee with the opinion of the court thereon.

Duty of Court of Appeal on stated case.

Petition to Lieutenant-Governor in Council from order of Committee.

11. Subject to the provisions of section 8 hereof every decision and order of the Railway Committee shall be final, provided always that every party may petition the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may in his discretion rescind, change or vary the said order as he deems just and proper.

Fees on orders of Committee to be paid in stamps.

12. There shall be paid in law stamps upon every order made by the Railway Committee such sum as may be directed by the Committee, regard being had to the expense occasioned to the Province in the matter, and such law stamps shall be paid in the first instance by the applicant for such order, and shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the Railway Committee, which order may be made a rule of law and enforced summarily by the High Court of Justice.

Costs.

13. The costs of and incidental to any proceedings before said Railway Committee shall be in the discretion of the Committee.

Documents of Committee, how proved.

14. Every document purporting to be signed by the chairman and secretary of the Committee or by either of them, shall be received in evidence without proof of any such signature, and until the contrary is proved, shall be deemed to be so signed and to be duly executed by the Committee.

Notice of decisions of Committee.

15. Every decision and order of the Railway Committee shall be considered as made known to the parties by notice thereof signed by the chairman and secretary, or either of them, and sent by post to the parties or their agents.

Notice to be given before passing by-law authorizing construction on highways.

16. No municipal council, notwithstanding anything contained in *The Electric Railway Act*, or any other Act to the contrary, shall pass a by-law authorizing any electric railway company to lay out or construct its railway on, upon or along any public highway, road, street or lane, until written or printed notices of the intended by-law specifying the route to be taken by the railway shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in some newspaper published in the municipality, or, if there be no such newspaper, in a newspaper published in a neighboring municipality, or, if there be no such, then in a newspaper published in the county town, and except upon a two-thirds vote of all members of the municipal council present and voting upon the consideration of such by-law.

Objectors to be heard by council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

Appeal against by-law to Railway Committee.

(3) Any person so heard may appeal to the Railway Committee against any by-law prejudicially affecting his property.

17. The right and authority of any railway company to lay out or construct its railway on, upon or along any public highway, road, street or lane, shall, in addition to any further terms and conditions the municipal council may impose, be subject to the following terms and conditions:—

(a) The rails of the company shall conform to the grade of the street.

(b) In all cases where the rails are laid upon the paved or travelled portion of the street, or on any part thereof, the rails shall be laid (as nearly as practicable) flush with the street, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the street, and shall be so kept and maintained by the railway company. The railway company shall also, unless otherwise determined by the municipal council, at its own expense, keep clean and in proper repair the streets, between the rails, and for eighteen inches on each side of the rails; and in default, the council may cause the same to be done at the expense and proper cost of the company.

(c) All other ordinary vehicles may use and travel in the said tracks, provided they do not interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars or other conveyance of the company; and any person neglecting or refusing to do so shall be liable on summary conviction to a fine of not more than ten dollars, besides costs, and the same shall be recovered before any Justice of the Peace.

(d) No cars or train of cars shall be operated on any highway at a greater speed than fifteen miles an hour unless authorized by the Railway Committee.

(e) The cars, carriages or other vehicles upon the railway for the conveyance of passengers, and the apparatus and arrangements in connection therewith, shall, in every instance, comply with the provisions of section 82, subsection 1 of *The Electric Railway Act*, and the railway company shall be subject to the direction and control of the Commissioner of Public Works, as provided by the said subsection, and shall be subject to the penalties provided therein for failure to comply with any of the provisions thereof.

18. The Railway Committee may from time to time make regulations respecting the terms and conditions of agreements for connections with running arrangements over or the sale, lease or hiring of any railway, electric railway or street railway subject to the Legislative authority of this Province and every agreement for any of such purposes shall comply with and be subject to such regulations and shall be void in any respect in which the same shall not be complied with.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith if the Legislative Assembly is in session

Construction of railway on highways and conditions to be observed.

Rails to be flush with street, etc.

Use of tracks by other vehicles.

Compliance with conditions of Rev. Stat. c. 269, s. 82, sub-a. 1.

Regulations governing running arrangements with other companies.

at the date thereof and if the Legislature is not in session such regulations shall be laid before the said House within the first seven days of the session next after such regulation is made.

(3) In case the Legislative Assembly at the said session or if the session does not continue for three weeks after the said regulation is laid before the House then at the ensuing session of the Legislature disapproves by resolution of such regulation either wholly or of any part thereof the regulation so far as disapproved of shall have no effect from the time of such resolution being passed.

